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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,910	08/02/2001	Miraj Mostafa	836-010509-US (PAR)	7123
2512	7590	09/29/2009		
Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER MACILWINEN, JOHN MOORE JAIN	
			ART UNIT 2442	PAPER NUMBER
			MAIL DATE 09/29/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/920,910	Applicant(s) MOSTAFA, MIRAJ	
	Examiner John M. MacIwinen	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/13/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 60 – 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski (US 6,430,177 B1) in view of Parasnis (US 6,728,753 B1) and Broussard (US 6,269,483 B1).

3. Regarding claim 60, Luzeski shows a method comprising storing by a messaging server a multimedia message including a streamable media component (col. 12 lines 15 – 54) and information describing the streamable media component (col. 14 lines 49 - 55, col. 17 lines 8 - 26)

sending a notification message by the messaging server to a recipient terminal indicative that the multimedia message is available for retrieval by the recipient terminal (col. 11 lines 23 – 60, col. 17 lines 2 – 18, col.18 lines 33 – 35, col. 20 lines 17 - 30 and lines 43 - 47)

receiving by the messaging server a request for the multimedia message that has been notified to the recipient terminal from the said recipient terminal and responsively sending by the messaging server to the recipient terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (col. 20 line 54 – col. 21 line 12).

Luzeski does not show where the recipient terminal is wireless, nor does Luzeski show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless

Broussard shows where the recipient terminal is wireless (col. 5 lines 31 – 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Broussard in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

4. Regarding claim 61, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component and the information describing the streamable media component from a sending terminal before storing the streamable media component and the information describing the streamable media component (Luzeski, col. 12 lines 25 - 54).

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5. Regarding claim 62, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component and the information describing the streamable media component in separate messages (Luzeski, col. 12 lines 5 – 16 and lines 25 – 37).

6. Regarding claim 63, Luzeski in view of Parasnis and Broussard further show wherein the multimedia message includes at least one non-streamable component (Luzeski, col. 13 lines 1 – 25, col. 14 lines 45 – 53 and col. 16 lines 62 – 65).

7. Regarding claim 64, Luzeski in view of Parasnis and Broussard further show wherein the streaming session is formed under one of the following protocols: hyper text transport protocol (Luzeski, col. 7 lines 7 - 15) and real-time streaming protocol (Broussard col. 5 lines 30 – 35).

8. Regarding claim 65, Luzeski in view of Parasnis and Broussard further show further including receiving by the messaging server by streaming the streamable media component generated at the sending terminal (Luzeski col. 12 lines 25 – 58).

9. Regarding claim 66, Luzeski in view of Parasnis and Broussard further show wherein the recipient wireless terminal is used by a recipient user and the streaming session is formed at discretion of the user (Luzeski col. 1 lines 54 - 56 and Broussard col. 5 lines 31 - 42).

10. Regarding claim 67, Luzeski in view of Parasnis and Broussard further show wherein the messaging server comprises a content server, the content server receiving the streamable media component from a sending terminal and transmitting the

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streamable media component to the recipient wireless terminal (Luzeski col. 5 lines 46 – 53).

11. Regarding claim 68, Luzeski in view of Parasnis and Broussard further show further including multicasting the streamable media component to at least one other recipient in addition to the recipient wireless terminal (Parasnis col. 5 lines 39 - 42 and Fig. 12).

12. Regarding claim 69, Luzeski in view of Parasnis and Broussard further show wherein the messaging server receives the streamable media component within a multimedia message addressed to the recipient wireless terminal (Luzeski col. 11 lines 23 - 29 and col. 12 lines 25 - 47).

13. Regarding claim 70, Luzeski in view of Parasnis and Broussard further show a memory configured to store a multimedia message comprising a streamable media component (Luzeski col. 12 lines 25 - 54) and information describing the streamable media component (Luzeski col. 14 lines 49 – 55 and col. 17 lines 8 – 26);

a port (Parasnis col. 22 lines 48 – 58) configured to communicate with a plurality of terminals (Parasnis col. 5 lines 39 – 42 and Fig. 12), wherein the port is configured to send a notification message to a recipient wireless terminal indicative that the multimedia message is available for retrieval by the recipient wireless terminal (Luzeski col. 11 lines 23 – 60, col. 17 lines 2 – 8, col. 18 lines 33 – 35 and col. 20 lines 17 – 30 and lines 43 – 47);

a processor configured to include as a component of the multimedia message the information describing the streamable component (Luzeski col. 17 lines 4 – 21, col.

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20 lines 43 – 47, col. 20 line 63 – col. 21 line 5);

the port being further configured to receive from the recipient wireless terminal a request for the multimedia message that has been notified to the recipient wireless (Broussard col. 5 lines 31 – 42) terminal and responsively to send to the recipient wireless terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (Luzeski col. 20 line 54 – col. 21 line 12); and

the port being further configured to form a streaming session with the recipient wireless terminal, using the information describing the streamable media component (Parasnis col. 20 lines 22 – 67).

14. Regarding claim 71, Luzeski in view of Parasnis and Broussard further show wherein the port is further configured to transmit the streamable media component in sequential sub-parts to the recipient wireless terminal (Broussard col. 5 lines 31 – 42), during the streaming session (Luzeski col. 20 line 60 – col. 21 line 5).

15. Regarding claim 72, Luzeski in view of Parasnis and Broussard further show a notification server configured to receive the information describing the streamable media component from a sending terminal (Luzeski col. 11 lines 24 – 34, col. 12 lines 26 – 58, col. 16 line 63 – col. 17 line 21 and col. 21 line 58 – col. 22 line 11) and to send the information describing the streamable media component to the recipient wireless terminal in the notification message (col. 5 lines 45 – 61 and col. 20 lines 18 - 30).

16. Regarding claim 73, Luzeski in view of Parasnis and Broussard further show a content server configured to receive the streamable media component from a sending

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terminal and configured to transmit the streamable media component to the recipient wireless terminal (Luzeski col. 5 lines 45 – 65 and col. 12 lines 25 – 58).

17. Regarding claim 74, Luzeski in view of Parasnis and Broussard further show wherein the port is configured to receive the streamable media component within the multimedia message (Luzeski col. 11 lines 23—29 and col. 12 lines 25 – 47).

18. Regarding claim 75, Luzeski in view of Parasnis and Broussard further show wherein the port is configured to form the streaming session under one of the following protocols: hyper text transport protocol and real-time streaming protocol (Broussard col. 5 lines 30 - 35).

19. Regarding claim 76, Luzeski in view of Parasnis and Broussard further show an apparatus comprising:

a transceiver configured to receive wirelessly (Broussard col. 5 lines 31 – 42) from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 20 lines 17 – 47);

the transceiver (Broussard col. 5 lines 31 – 42) being configured to send to the messaging server a request for the multimedia message and to responsively receive the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 - col. 21 line 12); and

the transceiver (Broussard col. 5 lines 31 – 42) being further configured to form a streaming session with the messaging server for receiving the streamable media

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component using the information describing the streamable media component (Parasnis col. 20 lines 22 – 67).

20. Regarding claim 77, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive the streamable media component in sequential sub-parts from the messaging server (Luzeski, col. 20 line 60 – col. 21 line 5).

21. Regarding claim 78, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to send a message for another messaging device to the messaging server (Luzeski col. 11 lines 24 – 35 and Broussard col. 5 lines 30 - 55).

22. Regarding claim 79, Luzeski in view of Parasnis and Broussard further show wherein the transceiver has been configured to form the streaming session under one of the following protocols: HTTP and RTSP (Broussard, col. 5 lines 30 - 35).

23. Regarding claim 80, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive a notification message regarding the message and to form the streaming session after receiving the notification message (Luzeski col. 17 lines 1 – 21 and col. 20 lines 14 - 65).

24. Regarding claim 81, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to receive the information describing the streamable media component in the notification message (Luzeski col. 11 lines 24 – 35 and col. 14 lines 48 – 55).

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25. Regarding claim 82, Luzeski in view of Parasnis and Broussard further show wherein the transceiver is further configured to form the streaming session at the discretion of a user of the apparatus (Luzeski col. 1 lines 54 – 56).

26. Regarding claim 83, Luzeski in view of Parasnis and Broussard further show a method for multimedia messaging in a wireless messaging device, comprising:

receiving wirelessly (Broussard, col. 5 lines 31 – 42) from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 – col. 21 line 12) and

forming a streaming session with the messaging server for receiving the streamable media component using the information describing the streamable component (Parasnis col. 20 lines 22 – 67).

27. Regarding claim 84, Luzeski in view of Parasnis and Broussard further show wherein the streaming session is formed under one of hyper text transport protocol and real-time streaming protocol (Broussard col. 5 lines 30 – 35).

28. Regarding claim 85, Luzeski in view of Parasnis and Broussard further show a computer program embodied in a computer readable memory medium comprising computer program code which when executed by a wireless messaging device, causes

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the wireless messaging device to perform a method comprising:

receiving wirelessly (Broussard, col. 5 lines 31 – 42) from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (Luzeski col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (Luzeski col. 20 line 54 – col. 21 line 12) and

forming a streaming session with the messaging server for receiving the streamable media component using the information describing the streamable component (Parasnis col. 20 lines 22 – 67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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